

P23960.A07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Suguru TAKISHIMA	Group Art Unit : 2627
Application No.	: 10/669,434	Examiner : Gautam PATEL
Filed	: September 25, 2003	Confirmation No.: 4255
For	: OPTICAL DISC DRIVE HAVING A MOVABLE ABERRATION CORRECTING LENS (As Amended)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

In response to the Final Official Action of January 9, 2007, and concurrently with the filing of a Notice of Appeal and the payment of a one-month extension of time fee, Applicant respectfully requests a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicant requests an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

**Remarks** begin on page 2 of this paper.

REMARKS

Applicant respectfully traverses the Examiner's rejection of claims 1-4, 6, 11-14 and 16 under 35 U.S.C. §102(b) as being anticipated by Yokoyama et al. (U.S. Patent No. 5,161,040), and the rejection of claims 5, 7-10, 15 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Yokoyama et al. Applicant submits the following as example of clear legal and factual deficiencies in the outstanding rejection:

**A. Yokoyama et al. fails to disclose or suggest “an aberration correcting lens... wherein said aberration correcting lens corrects an aberration caused by said objective lens by moving in a direction substantially orthogonal to a movable direction of said movable portion and in accordance with a variation of the aberration caused by the objective lens”, as recited in Applicant’s independent claim 1.**

Examiner’s position: Yokoyama’s movable section 102 reads on Applicant’s claimed “movable portion”, Yokoyama’s objective lens 114 reads on Applicant’s claimed “objective lens”, and Yokoyama’s microfresnel lens 116 reads on Applicant’s claimed “aberration correcting lens”. See, e.g., page 3 of the Final Office Action. Further, Yokoyama’s movable section 102 moves in both the directions F and T shown in Figure 11. See page 7 of the Final Office Action.

Applicant’s position: Yokoyama et al. fails to disclose or suggest that the microfresnel lens 116 moves in a direction substantially orthogonal to a movable direction of the movable section 102, and thus, fails to disclose or suggest an aberration correction lens that corrects an aberration caused by an objective lens by moving in a direction substantially orthogonal to a movable direction of a movable portion, as recited in Applicant’s claim 1.

Applicant respectfully submits that Yokoyama’s movable section 102 does not move in

direction F, as the Examiner asserts. Yokoyama et al. discloses, at col. 9, lines 62-68, that a focusing error signal indicative of a dislocation in the focusing direction F of a focused image spot 118 is derived from a photodetector 124. However, Yokoyama et al. fails to disclose or suggest that the movable section 102 moves in the focusing direction F. Rather, Applicant submits that Yokoyama et al. discloses that the image spot 118 is focused by moving a wavelength tunable laser 56 and changing a wavelength of the laser 56. See, e.g., col. 9, line 62 to col. 10, line 8 of Yokoyama et al.

Applicant respectfully submits that movable section 102 moves only in the direction 109 (direction T). Applicant further submits that Yokoyama et al. fails to disclose or suggest that microfresnel lens 116 moves relative to movable section 102, and thus, submits that microfresnel lens 116 also moves only in the direction 109 (direction T), and thus, does not move in a direction substantially orthogonal to a movable direction of the movable section 102.

Applicant further submits that Yokoyama et al. fails to disclose or suggest that microfresnel lens 116 corrects an aberration caused by objective lens 114 by moving in a direction substantially orthogonal to a movable direction of the movable portion 102, or by moving in accordance with a variation of the aberration caused by the objective lens. Rather, Yokoyama et al. discloses that an aberration is suppressed by moving wavelength tunable laser 56 and changing the wavelength of the laser 56. See, e.g., col. 10, lines 2-8 of Yokoyama et al.

For at least these reasons, Applicant respectfully submits that Yokoyama et al. does not anticipate the invention recited in Applicant's independent claim 1, and thus, respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection, and allowance of claim 1. Applicant respectfully submits that dependent claims 2-10 are in condition for allowance at least in view of

their dependency from claim 1.

**B. Yokoyama et al. fails to disclose or suggest “an aberration correcting lens... wherein said aberration correcting lens corrects an aberration caused by said objective lens by moving in a direction substantially orthogonal to a movable direction of said carriage and in accordance with a variation of the aberration caused by the objective lens”, as recited in Applicant’s independent claim 11.**

Examiner’s position: Yokoyama’s movable section 102 reads on Applicant’s claimed “carriage”, Yokoyama’s objective lens 114 reads on Applicant’s claimed “objective lens”, and Yokoyama’s microfresnel lens 116 reads on Applicant’s claimed “aberration correcting lens”. See, e.g., pages 3 and 4 of the Final Office Action.

Applicant’s position: The arguments submitted above with respect to claim 1 also apply to claim 11, and thus, are incorporated herein. Applicant again submits that Yokoyama et al. fails to disclose or suggest that the microfresnel lens 116 moves in a direction substantially orthogonal to a movable direction of the movable section 102, and thus, also fails to disclose or suggest an aberration correction lens that corrects an aberration caused by an objective lens by moving in a direction substantially orthogonal to a movable direction of a carriage, as recited in Applicant’s claim 11.

For at least these reasons, Applicant respectfully submits that Yokoyama et al. does not anticipate the invention recited in Applicant’s independent claim 11, and thus, respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection, and allowance of claim 11. Applicant respectfully submits that dependent claims 12-20 are in condition for allowance at in view of

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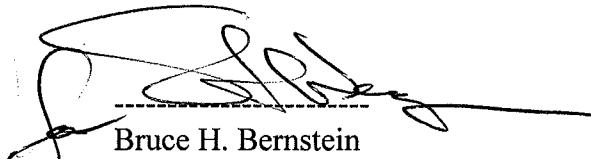
their dependency from claim 11.

SUMMARY AND CONCLUSION

Applicant believes that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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